REMARKS

This communication is responsive to the Office Action dated August 31, 2009, and received in this application. Claim 1 has been amended. *These amendments introduce no new matter.* Support for these amendments may be found variously throughout the Specification, including, but not limited to page 19, paragraph 3; page 20 paragraph 3; page 33, paragraph 2; and page 34, paragraph 6. Claims 1-18 remain pending in the application. Claims 1-9 are rejected as noted below. In light of the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

Claims 1-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2005/0206746 to Cazier et al. ("Cazier") in view of U.S. Pat. No. 6,263,217 to Park ("Park"). This rejection is traversed.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *see also* MPEP 2143.03. The applied references fail to meet this requirement.

Claim 1 recites: *[a]n imaging apparatus having:*

GUI screen image generating means for generating a GUI screen image having graphical user interface means for operating the apparatus and displaying the GUI screen image on image display means;

operating means for operating the GUI screen image displayed on said image display means according to user selections; and

controlling means for controlling the apparatus in accordance with the operation of the GUI screen image by said operating means, characterized by having:

storing means having stored therein hierarchy type main menu information which is capable of setting and operating desired functions by classifying functions settable and operable in said imaging apparatus on the basis of a predetermined category, displaying index information of the classified functions in stages, and selecting the displayed index information in accordance with a selection made by said user;

menu generating means capable of selecting desired index information among the main menu information in said storing means to generate unique menu information; and

menu editing means capable of editing the unique menu information generated by said menu generating means, and characterized in that:

said controlling means controls said GUI screen image generating means on detection of a predetermined operation by said operating means in accordance with operation by the user, and

said GUI screen image generating means generates the GUI screen image including the index information for operating the menu editing means in said unique menu information, in accordance with the control by said controlling means, to display the GUI screen image on said image display means.

Cazier and Park, either alone or in any permissible combination, fail to disclose or suggest these features. Specifically, Cazier and Park, either alone or in any permissible combination, fail to disclose or suggest *"[a]n imaging apparatus having... operating means for operating the GUI screen image displayed on said image display means according to user selections*[.]"

Additionally, Cazier and Park, either alone or in any permissible combination, fail to disclose or suggest *"[a]n imaging apparatus having... controlling means... characterized by having: storing means having stored therein hierarchy type main menu information which is capable of... selecting the displayed index information in accordance with a selection made by said user*[.]"

Cazier discloses a system or firmware "for prioritizing and displaying menu items or icons 30 on GUI screen 23 of the LCD monitor based upon the frequency of their use by the operator." (Cazier, para. [0019] (emphasis added); *see also* para. [0021] ("[T]he firmware groups icons or menu items based on the frequency of their use by the operator"); para. [0022] ("[I]t is desirable to customize the ordered list of menu items or icons to display menu items or icons that are frequenty used by the user first, i.e., on the first GUI screen.")

However, Cazier fails to disclose or suggest *"[a]n imaging apparatus having... operating means for operating the GUI screen image displayed on said image display means according to user selections*[.]"

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Additionally, because the prioritization of Cazier is based on the frequency of the use of menu items, Cazier fails to disclose or suggest *"[a]n imaging apparatus having... controlling means... characterized by having: storing means having stored therein hierarchy type main menu information which is capable of... selecting the displayed index information in accordance with a selection made by said user*[.]"

Thus, Cazier fails to disclose significant features recited in claim 1.

Park discloses "a mobile telephone which automatically sets a most frequently used child menu[.]" (Park, col. 1, ll. 58-61; col. 3, ll. 42-67.) However, Park, like Cazier, fails to disclose or suggest *"[a]n imaging apparatus having... operating means for operating the GUI screen image displayed on said image display means according to user selections*[.]"

Additionally, because the prioritization of Park, like the prioritization of Cazier, is based on the frequency of the use of menu items, Park, like Cazier, fails to disclose or suggest *"[a]n imaging apparatus having... controlling means... characterized by having: storing means having stored therein hierarchy type main menu information which is capable of... selecting the displayed index information in accordance with a selection made by said user*[.]"

Therefore, even the combination of Cazier and Park fails to yield the features of Applicants' claimed invention. Thus, a *prima facie* case of obviousness cannot be maintained for claim 1.

If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Consequently, claims 2-5, which depend from claim 1, are patentable for their incorporation of the distinct features recited in claim 1, as well as their separately recited, patentably distinct features.

Independent claim 6 recites: *[a]n imaging apparatus having:*
GUI screen image generating means for generating a GUI screen image having graphical user interface means for operating the apparatus to display the GUI screen image on image display means;

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operating means for operating the GUI screen image displayed on said image display means; and

controlling means for controlling the apparatus in response to the operation of the GUI screen image by said operating means, characterized by having:

storing means having stored therein hierarchy type main menu information which is capable of setting and operating desired functions by classifying functions settable and operable in the imaging apparatus on the basis of a predetermined category, displaying index information of the classified functions in stages, and selecting the displayed index information, and list information in which setting items corresponding to the index information are arranged in accordance with a display order of the main menu information and are displayed seamlessly, and characterized in that:

said controlling means controls said GUI screen image generating means on detection of a predetermined operation by said operating means, and

said GUI screen image generating means generates the GUI screen image for displaying setting items corresponding to the index information selected by said operating means from the list information in said storing means in response to the control by said controlling means to display the GUI screen image on said image display means.

Cazier and Park, either alone or in any permissible combination, fail to disclose or suggest these features. Specifically, Cazier and Park, either alone or in any permissible combination, fail to disclose or suggest "*[a]n imaging apparatus having... controlling means... characterized by having storing means having stored therein... <u>list information in which setting items corresponding to the index information are arranged in accordance with a display order of the main menu information and are displayed seamlessly</u>[.]*"

Cazier discloses a system or firmware "for prioiritizing and sipalying menu items or icons 30 on GUI screen 23 of the LCD monitor based upon the frequency of their use by the operator." (Cazier, para. [0019]; see also Cazier, para. [0021] ("[T]he firmware groups icons or menu items based on the frequency of their use by the operator"); para. [0022] ("[I]t is desirable to customize

the ordered list of menu items or icons to display menu items or icons that are frequenty used by the user first, i.e., on the first GUI screen.")

However, Cazier fails to disclose or suggest "*[a]n imaging apparatus having... controlling means... characterized by having storing means having stored therein... list information in which setting items corresponding to the index information are arranged in accordance with a display order of the main menu information and are displayed seamlessly*[.]*"*

This feature is significant and should not be overlooked. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Park fails to cure the deficiencies of Cazier. Park discloses "a mobile telephone which automatically sets a most frequently used child menu[.]" (Park, col. 1, ll. 58-61; col. 3, ll. 42-67.) However, Park, like Cazier, fails to disclose or suggest "*[a]n imaging apparatus having... controlling means... characterized by having storing means having stored therein... list information in which setting items corresponding to the index information are arranged in accordance with a display order of the main menu information and are displayed seamlessly*[.]*"*

Therefore, even the combination of Cazier and Park fails to yield the features of Applicants' claimed invention. Thus, a *prima facie* case of obviousness has not been made for claim 6.

Claims 7-9, which depend from claim 6, are patentable for their incorporation of the distinct features recited in claim 6, as well as their separately recited, patentably distinct features.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over Cazier in view of Park.

CONCLUSION

In view of the foregoing arguments, all claims are believed to be in condition for allowance. If any further issues remain, the Examiner is invited to telephone the undersigned to resolve them.

This response is believed to be a complete response to the Office Action. However, Applicant reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 C.F.R. § 1.104(d)(2) and MPEP § 2144.03.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3006 from which the undersigned is authorized to draw.

Dated: October 27, 2009

Respectfully submitted,

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